

ENTERED

September 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALVIN HICKS,

Plaintiff,

VS.

ANDREW NINO,

Defendant.

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CIVIL ACTION NO. 2:19-CV-331

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY DEFENDANT NINO'S MOTION FOR SUMMARY JUDGMENT**

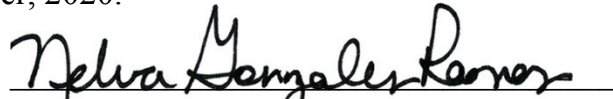
Before the Court is Defendant Andrew Nino's Motion for Summary Judgment (D.E. 22), seeking judgment that Plaintiff failed to exhaust administrative remedies that are a prerequisite to filing suit. On August 12, 2020, United States Magistrate Judge Jason B. Libby issued his "Memorandum and Recommendation to Deny Defendant Nino's Motion for Summary Judgment" (D.E. 23), recommending that the motion be denied because the record reflects that Plaintiff timely complied with the prison grievance procedure and that his Step One and Step Two grievances were both denied on the merits. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and

recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 23), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Defendant Nino's motion for summary judgment (D.E. 22) is **DENIED**.

ORDERED this 29th day of September, 2020.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE